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May 10, 2011

**BY ECF & HAND**

Hon. Nicholas G. Garaufis  
United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Vincent Basciano  
05 Cr. 60 (S-9) (NGG)

Dear Judge Garaufis:

We respectfully submit the Court instruct the jury that they must unanimous regarding who the principal was in Count One and Count Two.

**Unanimity Charge as to Count One and Two**

You must unanimously agree that the conspirators agreed that the murder of Randolph Pizzolo, was to be committed for the purpose of maintaining or enhancing the defendant, VINCENT BASCIANO's position in the enterprise, and not someone else.

Respectfully submitted,

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/s/  
George Goltzer  
Richard Jasper  
Ying Stafford  
*Attorneys for Vincent Basciano*